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PETER MAGGIORE
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August 27, 2001

RE: TRIASSIC PARK – NEW FACT SHEET

Dear Interested Citizen:

The New Mexico Environment Department (NMED) continues to seek public comment regarding a draft permit for the proposed Triassic Park hazardous waste disposal facility. As part of that effort, NMED is issuing a supplemental draft permit Fact Sheet that reflects changes made in the permit application and the permit just prior to draft permit issuance.

If you have any questions or comments regarding this information, you may e-mail me at steve_pullen@nmenv.state.nm.us, or telephone me at 505 428-2544.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Pullen".

Steve Pullen
Triassic Park Project Manager

Enclosures

cc: file

FACT SHEET

Intent to Issue a Permit for the Operation of A Hazardous Waste Treatment, Storage and Disposal Facility under the New Mexico Hazardous Waste Act

Triassic Park Waste Disposal Facility Chaves County, New Mexico

Facility Name: Triassic Park Waste Disposal Facility

EPA ID Number: NM0001002484

Type of Facility: The Triassic Park Waste Disposal Facility is classified as a hazardous waste treatment, storage, and disposal facility under the New Mexico Hazardous Waste Act (**HWA**) and the Resource Conservation and Recovery Act, Subtitle C (**RCRA**). The facility will be permitted to manage, treat, store, and dispose of specific types of HWA- and RCRA-regulated hazardous waste. The facility may also treat, store, and dispose certain wastes contaminated with polychlorinated biphenyls (**PCBs**).

Location: The facility will be located in southeastern New Mexico on approximately 480 acres of land in Chaves County. The site is located in Sections 17 and 18 of Township 11 South, Range 31 East, and is located approximately 43 miles east of Roswell and 36 miles west of Tatum.

Owner/Operator: Gandy Marley, Inc.

PUBLIC PARTICIPATION

The procedures for persons who wish to review the Draft Permit or the associated administrative record, make comment on the Draft Permit or request a public hearing, are set forth in an associated Public Notice.

INTRODUCTION

Gandy Marley, Inc. (**GMI**) is the owner and operator of a proposed hazardous waste disposal facility that is required to obtain a permit from the Department to manage, treat, store, and dispose hazardous waste at the Triassic Park Waste Disposal Facility pursuant to the HWA and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA, 42 U.S.C. 6901 *et seq.*). Prior to issuing a final permit, the Department is required to issue a draft permit for public comment, pursuant to 20.4.1.901.A.3 NMAC. This fact sheet contains all required information under 20.4.1.901 (a) through (f) and is intended to facilitate public review of the draft permit.

REGULATORY BACKGROUND

Subtitle C of RCRA provides for "cradle to grave" environmental regulation for the management, treatment, storage, and disposal of hazardous waste at a hazardous waste disposal facility. These requirements will be applicable from the moment waste is received at Triassic

Park until the facility is closed, and through a post-closure period. The New Mexico Administrative Code (20.4.1.500 and 20.4.1.900 NMAC, incorporating 40 CFR 264 and 270) provides specific performance standards. There is a wide range of general and specific environmental requirements that will apply to this facility.

The Department is authorized by the United States Environmental Protection Agency (USEPA), under RCRA, to issue and enforce RCRA hazardous waste facility permits (see 50 FR 1515, January 11, 1985). New Mexico implements this authority under the HWA, Sections 74-4-1 *et seq.* (Repl. Pamph. 1992). On January 2, 1996, New Mexico received final authorization to implement federal requirements under the Hazardous and Solid Waste Amendments of 1984 (HSWA, see 61 FR 2450, January 26, 1996).

The Department, by and through its Secretary, is responsible for the administration and enforcement of the HWA. The HWA requires each person owning or operating (or both) an existing facility or planning to construct a new facility for the treatment, storage, and/or disposal of hazardous waste identified or listed under law to have a permit. NMED has adopted pertinent sections of the federal code of regulations (40 CFR Parts 260 through 270 and 273) under which it administers its hazardous waste treatment, storage, and disposal facility permitting program, as codified in the New Mexico Hazardous Waste Management Regulations 20.4.1 NMAC. Thus, the Department Secretary has the authority to administer the issuance of a hazardous waste facility permit for the Triassic Park Waste Disposal Facility.

PROCEDURAL BACKGROUND FOR THE TRIASSIC PARK APPLICATION

General Permit Application Requirements: The Department followed the same regulatory procedure for Triassic Park's permit application as it does for other facilities seeking a RCRA permit. Owners or operators of hazardous waste management facilities are required to submit a comprehensive permit application covering all aspects of design, operation, maintenance, and closure of the facility. This permit application is divided into two parts: A and B.

Part A is a short, standard form that summarizes general information about a facility, including the name of the owner/operator, a list of the types of wastes managed at the facility, a facility layout diagram, and the activities requiring a permit.

Part B is a much more extensive document, submitted in a narrative, tabular, and schematic format, that describes the facility operations in detail. This information must include, but is not limited to: a general description of the facility; a waste analysis plan; information on the design and operation of all hazardous waste management units; procedures to prevent hazards; a contingency plan; and special information where applicable (such as a description of the groundwater monitoring program). In addition to the general Part B information required of all applicants, the New Mexico Hazardous Waste Management Regulations provide that applicants comply with specific information requirements for containers, tanks, surface impoundments, and landfills under 20.4.1.900 NMAC (incorporating 40 CFR 270.15, 270.16, 270.17, and 270.21).

Permit Application. Gandy Marley, Inc. submitted a Permit Application between November 17, 1994 and February 1, 1995 to manage, treat, store, and dispose hazardous waste at its proposed Triassic Park Waste Disposal Facility. GMI revised the permit application in response to the Department's technical comments. The Department deemed the application administratively complete on March 1, 1995 and technically adequate on November 11, 1995.

On April 4, 1996, the Department issued a Draft Permit for public review and comment for a period of 90 days. During the public comment period, the Department received written

comments. Based upon the comments received, the Department issued a public notice rescinding the Draft Permit on July 7, 1997.

On December 15, 1997, Gandy Marley Inc. submitted a revised permit application that was determined to be administratively complete on October 16, 1998. The Department reviewed the revised application for technical adequacy, and issued a request for supplemental information on March 11, 1999. On September 6, 2000, the Department issued a Notice of Deficiency (NOD) for several sections of the permit application. The NOD sought additional information and described technical inadequacies. On September 12, 2000, the Department issued an additional NOD for the remaining sections of the permit application. GMI responded to the NODs in September of 2000, through the submittal of a revised final permit application. In January of 2001, the Department issued GMI a request seeking final revisions to its permit application and describing technical inadequacies. GMI responded to this request in March of 2001. In March of 2001 the Department determined that GMI's permit application was technically complete. The Department has prepared a Draft Permit based on the revised final permit application.

On March 15, 2001, NMED issued another version of the draft permit. That version was found to have been an incorrect version, so it was rescinded on May 17, 2001. This Fact Sheet accompanies a third version of the Draft Permit.

TYPE AND QUANTITY OF WASTES PROPOSED TO BE TREATED, STORED, AND DISPOSED.

Type of Wastes The facility will be permitted to store, treat, and dispose of the following hazardous wastes. (Note: the "D", "F", "K", and "U" Codes are EPA Hazardous Waste Numbers that are assigned to specific hazardous wastes. These codes can be identified at 20.4.1.200 NMAC (incorporating 40 CFR 261, Subparts C and D).) In addition, the facility will store, treat, and dispose of soils and non-ignitable liquids with polychlorinated biphenyl (**PCB**) concentrations less than 50 parts per million and bulk PCB-contaminated remediation waste.

- **D Codes** (Wastes exhibiting the characteristics of Ignitability, Reactivity, Corrosivity, and/or Toxicity): D001 - Ignitability¹; D002 - Corrosivity¹; D003 - Reactivity¹; D004-D018; and D022-D043.

¹ Only those ignitable, corrosive, or reactive wastes that can be treated by permitted methods at the facility prior to placement in the Landfill will be accepted.

- **F Codes** (Wastes from non-specific sources): F001-F012, F019, F024-F025, F032, F034-F035, and F037-F039.
- **K Codes** (Wastes from specific sources): K002-K011, K013-K052, K060-K062, K064-K066, K069, K071, K073, K083-K088, K090-K091, K093-K118, K123-K126, K131-K132, K136, K141-K145, and K147-K151.
- **P Codes** (Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof): P001-P018, P020-P024, P026-P031, P033-P034, P036-P051, P054, P056-P060, P062-P078, P081-P082, P084-P085, P087-P089, P092-P099, P101-P106, P108-P116, and P118-P123.

- **U Codes** (Wastes identified as toxic wastes): U003-U012, U014-U039, U041-U053, U055-U064, U066-U099, U101-U103, U105-U138, U140-U174, U176-U194, U196-U197, U200-U211, U213-U223, U225-U228, U234-U240, U243-U244, U246-U249, U328, U353, and U359.

Storage Units. The facility will be permitted to store the hazardous waste and the PCB-contaminated wastes identified above, and hazardous waste generated on-site in drums and roll-off containers. The facility may store hazardous waste as follows:

- **Drum-handling Unit:** The facility may store hazardous waste in as many as 1,120 55-gallon drums or equivalent (61,600 gallons).
- **Roll-off Container Unit:** The facility may store hazardous waste in 132 40-yd³ roll-off containers or roll-off container equivalent (5,280 cubic yards).
- **Liquid Waste Storage Tanks:** The facility may store hazardous waste in four 9,000-gallon, double-lined, above-ground polyethylene liquid storage tanks (36,000 gallons).

Treatment Units. The facility will be permitted to treat the hazardous waste and PCB-contaminated wastes identified above, and hazardous waste generated on-site, in two separate treatment units. The facility may treat hazardous waste as follows:

- **Treatment Tanks:** (Stabilization Bins): The facility may treat hazardous waste by solidification in four in-ground, double-lined steel stabilization bins with a combined capacity of 10,000 cubic feet.
- **Surface Impoundment Units:** The facility may treat hazardous waste by evaporation in a double-lined surface impoundment consisting of two ponds (Ponds IA and IB) with an approximate combined capacity of 5.2 million gallons and an area of approximately 78,600 square feet.

Disposal Unit. The facility will be permitted to dispose of the hazardous waste and PCB-contaminated wastes listed above, and hazardous waste generated on-site, in a double-lined hazardous waste landfill with a capacity of 553,200 cubic yards and covering approximately 35 acres.

ORGANIZATION OF THE PERMIT

The Triassic Park Waste Disposal Facility operating permit follows the general format specified by the Department for hazardous waste facility permits. The Permit also follows the format suggested by EPA (*Model RCRA Permit for Hazardous Waste Management Facilities*, Office of Solid Waste, U.S. Environmental Protection Agency, September, 1988).

This permit specifies the actions that GMI may take during treatment, storage, and disposal operations, during closure, during the post-closure care period, and any corrective action required at the Triassic Park Waste Disposal Facility. The permit specifies general and specific conditions that generally apply to all hazardous waste management facilities under the HWA and

RCRA. Conditions covering general facility requirements include:

- general waste analysis (20.4.1.500 NMAC (incorporating 40 CFR 264.13));
- security and inspection (20.4.1.500 NMAC (incorporating 40 CFR 264.14 and 264.15));
- training (20.4.1.500 NMAC (incorporating 40 CFR 264.16));
- ignitable, reactive or incompatible wastes (20.4.1.500 NMAC (incorporating 40 CFR 264.16 and 264.17));
- standards for preparedness and prevention to ensure the facility is designed, constructed, maintained and operated to minimize the possibility of fire, explosion or unplanned sudden or non-sudden releases of hazardous wastes into the environment, including testing of equipment (20.4.1.500 NMAC incorporating 40 CFR 264.30 *et seq.*);
- contingency and emergency procedures (20.4.1.500 NMAC (incorporating 40 CFR 264.50 *et seq.*));
- record-keeping and reporting (20.4.1.500 NMAC incorporating 40 CFR 264.70 *et seq.*);
- closure activities for each regulated unit and each facility unit and the post-closure care requirements for the landfill (20.4.1.500 NMAC (incorporating 40 CFR 264.110 through 264.120));
- the corrective action requirements for regulated units;
- corrective action for releases from solid waste management units and/or areas of concern (20.4.1.500 NMAC (incorporating 40 CFR 264.101)); and
- financial assurance requirements (20.4.1.500 NMAC (incorporating 40 CFR 264.140 *et seq.*)).

Additionally, the permit covers specific requirements such as conditions for:

- storage of hazardous waste in containers (20.4.1.500 NMAC (incorporating 40 CFR 264.170 *et seq.*));
- the storage and treatment of hazardous waste in tanks (20.4.1.500 NMAC (incorporating 40 CFR 264.190 *et seq.*));
- treatment by evaporation of hazardous waste in surface impoundments (20.4.1.500 NMAC (incorporating 40 CFR 264.220 *et seq.*)); and
- disposal of hazardous waste in the landfill (20.4.1.500 NMAC (incorporating 40 CFR 264.300 *et seq.*)).

The Permit specifies conditions and requirements of a vadose zone monitoring system under 20.4.1.900 NMAC (incorporating 40 CFR 270.32(b)(2)). A ground water monitoring waiver for the Facility has been approved by the Secretary for reasons specified at Permit Attachment H, *Ground Water Monitoring Waiver Request and Approval*, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.90(b)(4)). It is pursuant to these regulations, and as a condition of the waiver approval, that vadose zone monitoring is required.

The permit is organized into ten parts as described below. The column titled *Regulation* provides the regulatory authority for each permit condition. The permit also expressly incorporates attachments that have been approved, with revisions, for enforceability consistent with Department regulations.

PERMIT ORGANIZATION		
PERMIT PART	TOPIC	REGULATION
1	GENERAL PERMIT CONDITIONS	20.4.1.500 NMAC (incorporating 40 CFR Part 270)
2	GENERAL FACILITY CONDITIONS	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subparts B through H)
3	HAZARDOUS WASTE STORAGE IN CONTAINERS	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart I)
4	HAZARDOUS WASTE STORAGE AND TREATMENT IN TANKS	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart J)
5	HAZARDOUS WASTE TREATMENT IN THE SURFACE IMPOUNDMENT	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart K)
6	HAZARDOUS WASTE DISPOSAL IN THE LANDFILL	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart N)
7	VADOSE ZONE MONITORING	20.4.1.500 NMAC (incorporating 40 CFR Part 264)
8	CLOSURE AND POST-CLOSURE CARE	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart G); 20.4.1.900 NMAC (incorporating 40 CFR Part 270)
9	CORRECTIVE ACTION FOR REGULATED UNITS	20.4.1.500 NMAC (incorporating 40 CFR Part 264.100)
10	CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS	20.4.1.500 NMAC (incorporating 40 CFR Part 264.101)

Permit Part 1 contains conditions that generally apply to all hazardous waste management facilities and includes permit conditions specifying: the Effect of Permit; Permit Actions; Severability; Definitions; Duties and Requirements; Signatory Requirement; Reports and Notifications Submitted to the Secretary; Confidential Information; Documents to Be Maintained at the Facility; and a Compliance Schedule.

Permit Part 2 contains conditions covering general Facility requirements for the Triassic Park Waste Disposal Facility and includes permit conditions specifying: Construction and Operation; Run-on And Run-off Controls; Permitted And Prohibited Waste Sources; Permitted And Prohibited Waste; Waste Analysis Plan; Security; General Inspection Requirements; Personnel Training; Special Provisions For Ignitable, Reactive, or Incompatible Waste; Preparedness And Prevention; Contingency Plan; Recordkeeping And Reporting; Waste Minimization Program; Transportation of Hazardous Waste; General Closure Requirements; and General Post-closure Care Requirements.

Permit Part 3 contains conditions for storage of hazardous waste in drums and roll-off containers. Permit Part 3 specifies standards for the construction, operation, and maintenance of a Drum Handling Building and a Roll-Off Container Storage Area. The requirements and conditions for the maximum volumes and kinds of waste that can be stored in approved containers are also specified.

Permit Part 4 contains conditions for the storage and treatment of hazardous waste in tanks. Permit Part 4 specifies standards for the construction, operation, and maintenance of a Liquid Waste Tank Storage Area and the Stabilization Building. The requirements and conditions for the maximum volumes and kinds of waste that can be stored and treated in tanks are also specified.

Liquid hazardous wastes will be transferred directly to the Storage Tanks from either off-site tanker trucks, the Drum Handling Unit, or the Roll-Off Container Storage Area. Liquid hazardous waste will be transferred by transfer truck from the tanks to either a Stabilization Tank or the Surface Impoundment for treatment. Treatment will consist of stabilization (solidification) of the waste by mixing with dry or liquid reagents. After stabilization, the waste will be transferred to a roll-off container and either stored in the Roll-Off Container Area (Stabilized Waste Cell) to cure, or transferred directly to the Landfill.

Permit Part 5 contains the conditions and requirements for treatment by evaporation of hazardous waste in the Surface Impoundment. Standards for construction, operation, and maintenance are also specified. Conditions are included to ensure proper pond operation and maintenance and for response actions to be taken in case of pond failure. Permit Part 5 also includes conditions for the maximum volumes and kinds of waste that can be treated in the Surface Impoundment.

The Surface Impoundment has a double liner system with a Leak Detection and Removal System for detecting and removing leakage. Leachate will be pumped to a tanker truck and returned to the Surface Impoundment, stored in an on-site liquid storage tank prior to stabilization, or transferred to the on-site stabilization unit prior to disposal in the landfill.

Permit Part 6 contains the conditions and requirements for disposal of hazardous waste in the Landfill. Standards for construction, operation, and maintenance of the Landfill are also specified. Permit Part 6 also contains requirements for the maximum amount and kinds of waste that can be disposed in the Landfill.

The Facility will be permitted to accept RCRA hazardous waste and certain PCB waste, but will not be permitted to accept the following waste types: radioactive waste, dioxin contaminated waste, medical waste, explosive waste, compressed gases, waste containing greater than 50 parts per million PCBs except for bulk PCB-contaminated remediation waste, and waste containing volatile organic concentration equal to or greater than 10 percent by weight. Only wastes meeting Land Disposal Restrictions treatment standards may be disposed in the Landfill. Wastes containing free liquids will be solidified in the Stabilization Units before disposal in the Landfill.

The Landfill will receive hazardous waste from off-site generators and from waste generated on-site. On-site wastes disposed of in the Landfill include stabilized Surface Impoundment sludges and Surface Impoundment and Landfill leachate.

The Landfill liner consists of primary and secondary systems. A Leachate Collection and Removal System will be located above the primary system. The Landfill liner will be sloped so that leachate above the primary liner drains to the sumps. A Leak Detection and Removal

System designed to detect and remove leachate that passes through the primary liner system will be located below the primary geomembrane and above the secondary geocomposite layer.

Leachate collected in the sump will be pumped to a tanker truck and either placed in the Surface Impoundment, stored in an on-site liquid storage tank prior to stabilization, or transferred to the on-site stabilization unit prior to being returned to the landfill.

Permit Part 7 contains the conditions and requirements of the vadose zone monitoring system (VZMS). The VZMS is designed to ensure the earliest possible detection of contaminant leakage and consists of a primary system of sumps and a secondary system of nine monitoring wells located proximal to, and down gradient of, the Landfill and the Surface Impoundment. The VZMS will monitor the accumulation and migration of fluids, both leachates and non-leachates that may be released from the Landfill and Surface Impoundments. Permit Part 7 specifies how the Permittee will establish the chemical characteristics of leachates and non-leachates, as well as how the Permittee will collect and analyze fluids that may appear in the VZMS to determine their source. The location, design, construction, operation and maintenance of the VZMS; the methodology for sampling and characterizing the fluids that may accumulate in the VZMS; a methodology for distinguishing between leachates and non-leachates; monitoring frequency; laboratory analysis; and data reporting and recording requirements are specified in Permit Part 7.

Vadose zone monitoring, as specified in Permit Part 7, is not specifically required in the New Mexico Hazardous Waste Management Regulations. The regulations do require that facilities monitor ground water for releases to the uppermost aquifer to protect human health and the environment. It is these requirements that provide the regulatory basis for vadose zone monitoring and Permit Part 7. The requirement for ground water monitoring of the uppermost aquifer has been waived at the Facility because the Permittee demonstrated that there is no potential for migration of liquid from any of the proposed regulated units to the uppermost aquifer during the life of the regulated units. One condition of the ground water monitoring waiver is that the facility must install a VZMS to protect human health and the environment.

Permit Part 8 contains requirements and conditions for both closure and post-closure care. Closure requirements and conditions exist for the Drum Handling Unit, Stabilization Units, Liquid Waste Storage Unit, Roll-Off Container Area, Surface Impoundment, and Landfill. The Permittee will be required to submit an updated closure plan prior to closure. The facility will be required to implement its approved closure plan within 90 days of receipt of the last waste shipment at the Facility. All permitted units except the Landfill are expected to clean close.

Closure must: minimize the need for further maintenance; control, minimize, or eliminate, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff or hazardous waste decomposition products to surface or subsurface soils, ground or surface waters or to the atmosphere; and, comply with the regulatory closure requirements.

Post-closure care requirements include long-term site maintenance, monitoring, security and reporting following the completion of all closure activities. Post-closure care is anticipated for the Landfill cap, the storm water collection system, the leachate collection systems, and the VZMS. Post-closure care may also include corrective action at any facility units that cannot achieve clean-closure.

The Facility will be required to submit a Permit modification to Permit Part 8 that updates the post-closure care plan prior to the completion of Facility closure. Post-closure care requirements will remain in place for 30 years after closure.

Permit Part 9 specifies the responses that shall be taken in the event of a release of hazardous wastes or constituents from a regulated unit. Regulated units include the Landfill and the Surface Impoundment as defined at 20.4.1.500 NMAC (incorporating 40 CFR 264.90(a)(2)). Permit conditions specified in Permit Part 9 include: identification of remediation indicator parameters; initial response actions; regulatory notification requirements; release verification procedures; long term response actions; and recording and reporting requirements. Regulated Units are also Solid Waste Management Units and the corrective action response actions specified in Permit Part 10 also apply.

Permit Part 10 contains the conditions and requirements for corrective action for releases from Solid Waste Management Units (SWMUs) and Areas of Concern, and includes: notification and assessment requirements for releases; confirmatory sampling requirements; investigations requirements; interim measures; remedy selection; and permit modification requirements. SWMUs are any discernable unit at which solid wastes has been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units may include any area at the Facility at which solid wastes has been routinely and systematically released, but does not include one-time accidental spills that are immediately remediated or areas in which waste has not been managed, e.g., product storage areas. AOCs are considered to be any discernable area at the facility, or are off-site, determined by the Secretary to be impacted by migration of contamination from the facility, where hazardous waste or hazardous constituent(s) are present, or are suspected to be present, as a result of a release from the facility, and that pose a current or potential threat to human health or the environment. The regulatory justifications for imposing corrective action are contained in the Department's technical support documents filed in the administrative record.

VARIANCE

Ground Water Monitoring Waiver On November 9, 1998, the Permittee first requested a variance to the ground water monitoring requirements specified at 20.4.1.500 NMAC (incorporating 40 CFR 264.90(a)(2)). The Permittee's proposal was to substitute a shallower vadose zone monitoring system for the traditional deep ground water monitoring system. (See description of vadose zone monitoring system below.) The New Mexico Hazardous Waste Management Regulations, at 20.4.1.500 (incorporating 40 CFR 264.90(b)(4)), allow the Secretary to waive the ground water monitoring requirements if the Permittee conservatively demonstrates that there is no potential for migration of liquid from any of the proposed regulated units to the uppermost aquifer during the life of the units. The basis of the Department's authority to grant a ground water monitoring waiver is the existence in certain parts of the state of unique geologic deposits, relatively deep ground water, and an arid environment, all combining to significantly inhibit the migration of contaminants to an aquifer.

In January 2000, after considerable additional site characterization and the performance of a Department-approved contaminant transport model, the Permittee submitted a final Ground Water Monitoring Waiver Request. On January 14, 2000, the Department agreed that the uppermost aquifer below the facility need not be monitored. The Department based its decision on the following considerations; contaminant transport modeling invariably calculated travel times to an aquifer in excess of 800 years, all predictions of potential liquid migration were based on assumptions that maximized the rate of liquid migration, the demonstration that the potential for migration of liquid from a regulated unit to the uppermost aquifer during the specified regulatory time period was certified by a qualified geologist, and the Permittee was committing to a vadose zone monitoring system that the Department feels is more protective of human health and the environment than a groundwater monitoring system. In addition, Permit Condition 10.11 specifies that if a release to the vadose zone occurs, the Department will revoke the ground water monitoring waiver.

ISSUES

This section of the fact sheet addresses issues and major permit conditions that may be of interest to the public. In order to facilitate public review, the following is a summary of issues and non-standard permit conditions.

PCB-Contaminated Waste The Permittee may accept soils and non-ignitable liquid waste with PCB concentrations of less than 50 parts per million. These wastes are not regulated under the Toxic Substances Control Act (TSCA). The Permittee may also accept bulk PCB-contaminated remediation wastes. These wastes are permitted under TSCA to be disposed in a hazardous or municipal waste landfill; however, these wastes continue to be regulated under TSCA.

Vadose Zone Monitoring System Permit Part 7 contains the conditions and requirements for the vadose zone monitoring system (VZMS). As discussed above under *Variance*, the Department determined that the Permittee's variance request to install and operate a VZMS in lieu of a ground water monitoring system, as required at 20.4.1.500 NMAC, incorporating 40 CFR 264, Subpart F, was appropriate because the proposed VZMS will adequately protect human health and the environment. The VZMS, as proposed, is capable of immediately detecting a release from the regulated units to the vadose zone before ground water can be adversely affected.

Clean-up Performance Standard The Department has determined that as a condition to the permittee's authorization to operate the Triassic Park Waste Disposal Facility, the Permittee must remove or remediate all hazardous wastes or hazardous constituents released to any and all environmental media (i.e., soils and ground water) to a statistically significant level that can be considered equivalent to clean background concentrations. This condition is consistent with the Permittee's Closure/Post-Closure clean closure commitment contained in the permit application (Section 8.3, *Closure Performance Standard*), which commits to removing contaminated soils at closure to "clean background" levels for all permitted units except the landfill. The clean-up performance standard of background concentrations is also the standard used to implement corrective action in Permit Part 10 and is specified at Permit Conditions 10.2.2 and 10.2.3 (*Soil Action Levels and Ground Water Action Levels*). This stringent clean-up performance standard is consistent with the regulatory requirements specified at 20.4.1.500 NMAC (incorporating 40 CFR 264.93(a)) and 20.4.1.900 NMAC (incorporating 270.32(b)(2)).

Closure Cost Estimate The Department has estimated closure cost for the landfill cap based on a survey of unit cost estimates acquired from EPA Region VI and from local contractors in New Mexico. The Department's cost estimate was also based on the assumption that a third party would be contracted by the State of New Mexico to construct the landfill cap and vegetative cover.

Other The Department has imposed certain permit conditions applicable to lithologic characterization, compatibility of well construction materials, compatibility of well construction materials, chemical analysis of drilling fluids, and decontamination of materials introduced into boreholes. These conditions are based on the EPA's guidance document, *RCRA Ground-Water Monitoring Technical Enforcement Guidance Document*, model permit language and/or standard operating procedures for the Department.